IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

NOTICE OF MOTION NO.597 OF 2006
IN
WRIT PETITION NO.155 OF 2006

Rasik Palrecha & Ors...Petitioners

Vs.

Maharashtra Housing & Area

Development Authority & Ors..Respondents

Mr. P.K. Dhakephalkar, Senior Counsel i/b. Dharam & Co., for the Petitioners
Mr. G.W. Mattos, AGP for respondent Nos. 1, 4 and 5.
Mrs. A.K. Savla, for respondent No.2.
Mr. J.Reis with Mr. Y.M. Choudhari for respondent No.3.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 1ST DECEMBER, 2006

P.C.

. Heard parties. Petitioners are the tenants, who have moved this Court for direction to the respondent No.1 to issue NOC for grant of occupation certificate. This is one of those matters covered by development under D.C. Regulation 33(7). The orders of this Court appointing the Committee to verify the genuiness of the tenants has been stayed by the Apex Court and the matter has been admitted considering the challenge to the vires of D.C. Regulation 33(7). We are given to understand that the matter has been heard.

2. The issue before us is whether considering that the premises are ready whether we should grant interim relief as prayed for. The issue at the highest would be as to those persons who may not be eligible to be given the premises in the

reconstructed building. That would be subject to whatever decision is taken by the Supreme Court considering that the petition is still pending before the Supreme Court.

3. However, to avoid hardship and as the building is complete the ends of justice would be met if we allow the respondent No.1 to issue No Objection Certificate subject to the following directions:0

(i) Each of the tenant occupants setting out the names of their family members residing with them and giving an undertaking that they will not create any third party rights or induct any other persons in the premises.

(ii) On such undertaking being given to the respondent No.1 by each one of the tenant occupants who are entitled the respondent No.1 to issue No Objection Certificate according to law at any rate not later than four weeks on all the persons entitled submitting their undertaking and giving copy to the respondent No.1.

. Motion disposed of accordingly.

(F.I. REBELLO, J)

(ANOOP V. MOHTA J).